

APPROVED / REVISED
MINUTES
INLAND WETLANDS BOARD MEETING

May 8, 2007

Present: Michael Autuori
Joseph Fossi
Nelson Gelfman
John Katz, Vice Chair
James McChesney
Rebecca Mucchetti, Chairman
Walter Slavin
Patrick Walsh
Lillian Willis

Also Present: Betty Brosius, Inland Wetlands Agent
Linda Caponetti, Recording Secretary

At 7:30 p.m. Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **#2007-039-SR:** Summary Ruling application for activities within upland review areas for excavation, filling and grading in conjunction with the construction of a single-family residence on property located on **Rippowam Road, Parcel A1**, in the RAAA zone. Owner: Thomas J. Jarosh. Appl.: Falciglia & Valeri Construction, LLC. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 6/21/2007. Received 4/17/2007, walked 4/29/2007. Tabled 5/1/2007. For discussion.*

Mr. John McCoy, of JFM Engineering and agent for the applicant, came before the Commission to explain the plans for developing the last lot, known as Lot A-1, of the three-lot subdivision on Rippowam Road. The other two lots, Lots B-1 and C-1, have already been developed, he reported. Mr. McCoy explained that, when the subdivision was proposed, the lot development was entirely outside the wetland buffers, but the buffers have changed and it is now within the new buffers (50-75 feet). Their first plan held the original limit of disturbance to the silt fence and hay bale line, with accessory buildings going up to that line. Since the Commission's field walk, and since receiving the Conservation Commission's comments, they have developed a new plan, moving the accessory buildings further away from the line. Mr. McCoy said that they are now working from a topographical map which has been completely updated, and he has proposed re-grading the property based on the new map. The original grade into the property was a little steeper, he said, but the plan is basically the same. One thing that has changed is that some of the walls have been reduced in height because of the more gradual grade. They are still proposing a 6 – 8' wall along the initial cut, and then walls to terrace

all the way down the slope. The garage has also been moved so that the back of the building is at the toe of the slope, about 18' in from the silt fence line. The infiltrator for storm water was centered between two trees to keep the maximum distance, about 20', from each tree.

Chairman Mucchetti asked Mr. McCoy if the silt fence line indicates the edge of disturbance. He said that, as shown now, it does. Mr. McCoy suggested that he could move the silt fence line in 10' and offered to do so, moving the level of disturbance 10' further away from the wetland and closer to the driveway. This would apply to one particular area, "behind the accessory structure.....the bank is pretty much established already, so it really has to do with the construction of the structure."

Dr. Gelfman asked about a brook and a seasonal wetland watercourse. There is the main brook and another area which is partly a seep and partly an overflow area, Mr. McCoy said, and showed each on the display map.

Some detailed description of the site by Mr. McCoy followed.

Ms. Willis asked if the conservation area was posted. Mr. McCoy said he did not believe so. She noted that it should be.

Dr. Gelfman asked about the placement of the accessory structure (the garage). Mr. McCoy clarified that they intend to build the back wall of the structure at the toe of the slope, use the existing slope and blend in on both sides. But, when they backfill, he said, there is bound to be a zone of disturbance all the way around it.

Doug Barile, of the Conservation Commission, read their letter, dated May 1, 2007.

Highlights included:

- 1) The Commission's objection to the overall reduction of the upland review area (from 50' to 25'). They contend that wetland and watercourse system is of higher value, due in part to the valuable vegetative buffer that flanks the system. They request that the applicant make an effort "tighten the overall footprint of this development" to increase the preservation of the upland review area. They acknowledge that the applicant has made positive efforts in this area with the use of retaining walls.
- 2) Request for a tree protection plan to insure that the mature trees are protected throughout the construction process.
- 3) Request for a mitigation plan, including the planting of trees in the watercourse buffer and a program to eradicate the onsite phragmites.
- 4) The Commission questions the suitability of the soil in the area proposed for the infiltrator, noting that its proximity to the wetland could result in the ground water table

being too high to achieve the desired result. They also request that the applicant develop a means by which the driveway runoff can be infiltrated.

Agent Brosius reminded the Board that the original subdivision was approved in 1998 by the Planning & Zoning Commission. There were no wetlands applications for the individual lots because, at that time, all of the activity proposed was outside of the 25' buffer. She also asked for marking of the conservation easement area, in agreement with Ms. Willis.

Dr. Autuori asked if the Agent proposed that the signs be installed at the conservation easement line of at the boundary of the open space, Conservation Commission property. Agent Brosius asked that they both be marked with the signs which have been created by the Conservation Commission for various purposes. (This was a condition of the original approval, she noted.)

Ms. Willis asked Mr. McCoy if he would comment on several of the concerns raised by the Conservation Commission.

Mr. McCoy wished to comment on the requests for posting of signs before addressing those concerns. He agreed that the open space boundary should be posted, but questioned whether it was necessary for the homeowner to post his own property for the conservation easement line, adding that it is a deed restriction on the property and it is clearly marked on all the A-2 surveys, and it's an existing wetland line.

Mr. Katz asked how the owner was to recognize this boundary in the field. Mr. McCoy said it could be marked with boulders.

Ms Willis suggested that they look at the previous approval and consult with the CC, because, in actuality, it is usually the owners who violate the conservation easements, she said. It's for their benefit that they know where that line is, she added.

Agent Brosius noted that the signs created for the marking of this boundary are very small, 4" x 4".

Dr. Autuori asked Mr. McCoy if they would use herbicides if the mitigation of the phragmites became a condition of approval. He was concerned, because he feels that this is an environmentally sensitive area, and he wants no chemicals to be used, regardless of whether or not they are currently approved by the DEP.

There was a short discussion on the more creative ways to eradicate phragmites, without the use of herbicides.

Mr. McCoy went back to Ms. Willis' request for a discussion of the CC's comments. He said that they have tried to tighten up their development as much as possible, and it is a significant improvement over the original plan. He noted that the original driveway had sheet flow right along the silt fence line. They also created physical barriers to stop

migration with the retaining walls and terracing. He also noted that they are somewhat restricted in what they can do by some large rock outcroppings. As far as the mature trees, there are only two coming down for to construct the house, and several for the septic area.

As far as any others, they would be “more than happy to protect those.” If it were a condition of approval, they would add that to the site plan. As far as the infiltrator goes, he feels there is enough gravelly soil there, but, he could move it, if necessary, north of the existing infiltrator. They were not proposing any mitigation, but would consider removing the phragmites.

Dr. Autuori asked if there is anything about this application that could exacerbate peak runoff.

Mr. McCoy said the infiltrators are designed to treat the first flush of the storm, not for full mitigation. He said they are a “pinprick in this watershed,” and will have very little effect. He noted, however, that in the last big storm nothing breached.

Ms. Willis asked if there were a way to infiltrate the driveway runoff. Mr. McCoy said that they could put in some drywells, but they would have to be 50’ away from the septic, which would necessitate curving the driveway.

Mr. Paul Valeri, co-owner of Falciglia & Valeri Construction and the applicant, suggested some methods for collection of runoff.

Ms. Willis asked how they proposed to collect it and direct it away.

Mr. McCoy said that, if they were going to collect it, they would use a drywell, with some small overflow to protect the outlet. If not, their driveway would remain sheet flow. Ms. Willis agreed that this driveway does not present a problem.

The Chairman confirmed that this driveway plan does not have a drywell and does not have curbs. That was correct, Mr. McCoy said.

Mr. Katz suggested a line of boulders in preference to the signs to clearly delineate the easement area.

Ms. Willis asked if the boulders would need to be placed by machine, noting that this would create invasive plants in the treads wherever the machine goes.

The Agent suggested another alternative: 4’ x 4’ pressure treated posts.

There was ongoing discussion about the marking of the easement area, and Ms. Willis stressed that it is a benefit to have the developer handle this, as he can use the land surveyors to mark the boundaries.

Dr. Gelfman felt the property doesn’t need demarcation.

Mr. McCoy suggested a split rail fence be used to demarcate the area. That suggestion was well received by the Board.

Mr. Katz wanted any significant trees protected immediately, before any construction takes place. He did not want to place any conditions on the handling of runoff from the driveway.

Dr. Autuori wished to reiterate his opposition to the use of herbicides in any mitigation activity.

Mr. Katz made a motion to request the Agent to draft a resolution of approval for the application. The motion was seconded by Mr. Walsh, and passed by a vote of 8-0-1. Dr. Autuori abstained. The resolution will be reviewed at the meeting on 5/15/07.

NEW ITEMS

2. **#2007-046-PR:** Plenary Ruling application for activities within upland review areas for construction of a single family residence on 3.775 acres of land located at **Water's Edge Way** in the RA zone. Owner: Hearing and Hearing, Inc. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65 days to commence public hearing ends 7/12/2007. For receipt, schedule walk and public hearing.*

Dr. Autuori motioned to receive the application and to schedule a site walk for 5/20/07 and a public hearing for 7/3/07, as suggested by the Chairman. The motion was seconded by Mr. Fossi, and the vote was 9-0 in favor.

The Agent asked the Board to read the application materials, paying particular attention to the soils report and the soil types shown on the map, and the environmental report. She suggested that the item appear on the agenda on 5/15/07, to determine if an outside consultant is needed to review the technical and environmental aspects of the application. Alternatively, this decision can be made at the 5/22/07 meeting, following the site walk.

3. **#2007-047-SR:** Summary Ruling application for disturbance in the upland review area to install a new septic system on property located at **107 Scodon Drive** in the RAAA zone. Owners: Keith a. and Heidi M. Namiot. Auth. Agent: William Dexter. *65-day action period ends 7/12/2007. For receipt and schedule walk.*

Dr. Autuori motioned to receive the application and to schedule a site walk for 5/20/07, at the suggestion of the Chairman. Mr. Slavin seconded the motion, and the vote was 9-0 in favor. The Chairman noted that the item would appear on the 5/22/07 agenda, following the site walk, for determination of significance and discussion.

4. **#2007-049-SR:** Summary Ruling application for activities within upland review area for installation of a new 2-bedroom septic system on property located at **61 Peaceable Hill Road** in the RAAA zone. Owner: Elizabeth Ann Montanari. Appls.: Elizabeth Ann

Montanari & Paul Montanari. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 7/12/2007. For receipt and schedule walk.*

Mr. Fossi motioned to receive the application and to schedule a site walk for 5/20/07 at the suggestion of the Chairman. Mr. Slavin seconded the motion, and the vote was 9-0 in favor. The item will appear on the 5/22/07 agenda for discussion.

5. **#2007-050-SR:** Summary Ruling application for disturbance in wetlands and upland review areas in conjunction with single family residential re-development on property located at **90 Spring Valley Road** in the RAAA zone. Owner/Appl.: Jeanne Timpanelli. Auth. Agent: John F. McCoy, P.E. *65-day action period ends 7/12/2007. For receipt and schedule walk.*

Dr. Autuori motioned to receive the application and to schedule a site walk for 5/20/07, at the suggestion of the Chairman. Mrs. Willis seconded the motion, and the vote was 9-0 in favor. The item will appear on the 5/22/07 agenda for discussion.

BOARD WALKS

The following site walks have been scheduled by the Board for **May 20, 2007:**

- **#2007-045-SP-SR:** Summary Ruling **140 Wilton Road West**, Price
- **#2007-046-PR:** Plenary Ruling **Water's Edge Way**, Hearing and Hearing, Inc.
- **#2007-047-SR:** Summary Ruling **107 Scodon Drive**, Namiot
- **#2007-049-SR:** Summary Ruling **61 Peaceable Hill Road**, Montanari
- **#2007-050-SR:** Summary Ruling **90 Spring Valley Road**, Timpanelli

REQUESTS FOR BOND RELEASES/REDUCTION

- **#2005-046-IWA: 110 South Salem Road**, request for release of \$2000.00 wetlands buffer disturbance bond. Wetlands Inspector/Agent recommends 100% release (see attached memo).

Chairman Mucchetti noted the memo from the Wetlands Inspector, recommending release of the \$2,000 bond posted for protection of the wetlands buffer in an administrative wetlands permit application where work has been completed at **110 South Salem Road**. The Agent also referred to a letter from engineer John McCoy stating that the work had been inspected and confirmed as complete according to the plans.

Chairman Mucchetti also noted in the Inspector's comments that "the project has been very well managed from start to finish," and that "both Mr. McCoy and Mr. Pisoni have been a pleasure to work with."

Mr. Katz motioned to release the bond, seconded by Dr. Autuori. The motion passed 9-0.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- **Violation Notice** dated 5/2/07, sent by Wetlands Inspector Aimee Pardee to Carlo Buccino of **11 Woodlawn Drive** regarding improperly installed silt fence, and silt in danger of migrating into the watercourse. **Chairman Mucchetti** noted that this applicant may be brought to the Inland Wetlands Board for revocation of permits if violations are not immediately resolved.

MINUTES

There were no minutes for approval.

Hearing no further discussion, the Chairman adjourned the meeting at 8:07 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary

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PLANNING AND ZONING COMMISSION MEETING

May 8, 2007

Present: Michael Autuori
Joseph Fossi
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Also Present: Betty Brosius, Director of Planning
Linda Caponetti, Recording Secretary

At 8:08 p.m., Chairman Mucchetti called the meeting to order.

PENDING ITEMS

1. **Discussion:** Village District Consultant and the Architectural Advisory Committee, **with AAC members.** c/o Chairman and Planner.

Chairman Mucchetti welcomed the AAC members and asked Chairman John Kinnear to introduce those present. Members in attendance included full members Jeff Mose, Suzanne Benton, and Gene Smith, and alternate members Warren Arthur, Scott Benson, Phil Esser, Peter Guzy, and Glenn Lounsbury.

The Chairman explained that what prompted this meeting with the AAC was the eagerness of the Planning and Zoning Commission to adopt the Village District. With the need to appoint a Village District Consultant, the problem arose as to how to accomplish this in a short period of time, since the district will be in place by May 1st, and a board is needed to review applications in the district. She explained that the AAC was the likely choice, given its area of expertise, but a problem exists in that this committee is appointed by the Board of Selectmen and the Village District Consultant is appointed by the Planning and Zoning Commission. Commissioner McChesney suggested inviting the AAC to a Commission meeting in the hopes that they could respond to the invitation to serve, and also shed some light on the complications surrounding this appointment.

AAC Chairman John Kinnear said that the AAC would be very interested in serving as the Village Consultant. He gave background information as to its suitability and qualification for the position. The members all have an interest in the village and prior experience reviewing projects in the village. It would make sense for them to continue in that capacity, he said. There was a short aside where it was mentioned that, up until a few

years ago, it was thought that the AAC was appointed by Planning and Zoning, until it was discovered that State statutes did not authorize this responsibility to P&Z.

The Chairman asked how the review of applications in the village could be accomplished by the AAC, acting as the Village District Consultant. She surmised that they could only act as one or the other, but not both.

The Planner said that village district reviews and AAC reviews are very similar. She explained that the village district is the central business district, identified by the CBD zone line. This zone requires that anything that is visible from the street, including signage, be reviewed under the village district criteria, which are very clearly stated in the zoning regulations.

The Chairman asked again if the applications in the village district would require AAC review in addition to Village District review.

The Planner said they would only need Village District review. The AAC reviews applications in all other zones. One of the AAC members asked why that was the case. **Mr. Walsh** said that State statutes require that only the Village District Consultant may have authority over the village district.

The AAC member then asked if one could not be appointed to both of those commissions.

The Planner explained that the AAC could be appointed as the Village District Consultant, or the Commission could appoint an individual or individuals, provided that at least one member was an architect, landscape architect, or AICP Planner. She explained that it was the consensus of the Planning and Zoning Commission, to offer this function to the AAC from May 1 through July 31, and then to make a decision for the longer term.

Dr. Autuori added that members of the Planning and Zoning Commission also act as the Inland Wetlands Board and Aquifer Protection Board. He noted that it is always important for them to remember “which hat they’re wearing”. He asked the AAC if they would feel comfortable wearing two separate but very closely related hats, and if they feel they could function effectively like that.

Mr. Kinnear said that the AAC has, over the years, managed to put together a very effective group of professionals. He felt that they could move forward effectively as the Village District Consultant. He added that, “from both sides of the table,” everyone is basically going to try this out and see how it works.

Dr. Gelfman felt that the Commission was making this much more complex than it needs to be. He felt that the AAC should be appointed by the Planning and Zoning Commission. He supported their appointment as the Village District Consultant.

The Chairman reminded him that the Commission needs to follow State statute. Outside of the Village District, it doesn't give the Commission the authority to appoint the AAC, she said.

Jeff Mose of the AAC asked if an applicant coming to the Town or Planning and Zoning would be directed to either the AAC or the Village District Review, (but not both, the Planner added), depending on the location of the property. The Chairman said that this was correct.

The Planner added that the only architectural review that is allowed in the State statutes is within the Village District. There is no authority within the State statutes for P&Z to appoint an architectural review board.

Ms. Suzanne Benton of the AAC added that the AAC has a very long history of being very interested in the Village District. We've done all the signs in the village, she said. We have a method of operating, and the two functions are really not all that different, she added. She said that they would just have to turn the hat around and, "with ease, should be able to do both."

The Planner said that she wanted to clarify some technical details. She referred them to the Commission's web site. On making comments as the Village District Consultant, the AAC will need to refer to the regulations, and the criteria and the standards in the regulations, in making their comments. Then the Commission will have an additional discussion and produce a document – a village district approval with conditions - which will include some or all of the VDC's comments. While, the input from the Village District Consultant is still viewed as an advisory comment, the Commission, after its own review, turns those comments into a village district approval with conditions, and the applicant must file it in the land records.

The Planner continued by saying that there is concern among the public that they would be creating another layer of bureaucracy. That is not the Commission's intention to create expensive and time-consuming obstacles for the applicants. She said she would like to make sure that the applicants do not feel intimidated by the process.

Glenn Lounsbury of the AAC said that they are often thanked by the applicants for the input that they have given, adding that it is usually a very "comfortable process" sharing ideas. He added that the AAC very much welcomes this opportunity, and he feels it is beneficial for the entire Town.

Mr. Warren Arthur of the AAC concurred. He asked how municipal structures are related to the Village District review. Chairman Mucchetti said they are treated the same way as any village district application. Mr. Arthur said that this is "a wonderfully integrating way of dealing with designing aesthetics."

The Chairman said that she found it interesting to learn that the AAC considers the review process a peer review, where there are no votes taken, and they don't put motions

on the table, and there are no minutes. She said this may be different with the VDC, where minutes are needed. She also expressed concern with the AAC's ability to get a quorum. She noted the frustration voiced by some applicants who felt like they were making no headway with the AAC because every time they came back it was to face different people.

Mr. Mose asked, "Does the Commission envision a smaller acting body?"

The Chairman asked that the same group of people review returning applications, so that people wouldn't be frustrated and annoyed by the process. It would help if there were some consistency in the aesthetic review, she said.

Mr. Kinnear said that the different comments from the AAC may not be because there are different people sitting on the committee. The group gets another chance to look at the project, he explained. The applications that get a lot of comments are generally ones where there is something wrong, he said. "We don't rubber stamp anything. We get the basic things on the table and, when it comes back, if it needs to come back, we refine it," he said. "It raises the level of what we finally get built. The end result is what we're looking for."

Mr. Mose said that it's very difficult to synthesize a project and distil the bigger picture and the little details, and give the applicant a concise answer in a ten-minute brief.

AAC member Peter Guzy said that he is not at every meeting. When he comes to a meeting, he said, he is very conscious of the process, and is sensitive to the fact that the applicant does not want to start all over at the beginning just because he was not present at the first review. He added that anyone who has to come back to a review three or four times is not going to be happy, but it all serves a very good purpose.

Mr. Kinnear agreed, citing the Toll Brother's project, explaining that they were asked to come back three and four times, but that the whole project looks a lot better. The Chairman concurred.

Mr. Mose said that the AAC wanted the Commission to be able to use them as a filter, adding that the Commission wouldn't be happy to see some of the things that the AAC has initially seen, before revisions are made.

Mr. Phil Esser of the AAC said that Mr. Kinnear works very hard to insure high attendance at the meetings, because he realizes the importance of a continuum. He added that a big part of the problem is the fact that the AAC will suggest changes, and the applicants will come back with exactly the same thing.

AAC member Gene Smith said that the AAC doesn't want to give the applicant the exact solutions, but rather raise the problem and let them reinterpret it.

Mr. Esser spoke very highly of the AAC. “For an advisory committee,” he said, “this group does a lot of very positive work towards improving the quality of the built environment in Town.”

The Planner said that the zoning office has come up with two new forms: a request for architectural review, and a village district application; also, a checklist for the applicants to ensure that they will come with the required drawings and information. The applicants will also need to provide copies of their forms to the Commission, so that they can pre-review what will come back to them from the VDC.

She added that, for the benefit of the Commission and members of the public, she would ask that the AAC compile a list of their members and their various areas of expertise, and/or their background and interests, etc.

Prompted by a question from Mr. Katz, there was discussion relating to the timing and the various steps of the review process between the Village District board and Planning and Zoning. After the Village District receives an application, they must report to the Commission within 35 days, the Planner said. Mr. Katz asked if the VDC comment to the Commission when their recommendations are not being implemented, can the Commission condition those applications with those particular. The Planner said that was correct. She added that she is developing a list of questions for their legal counsel because this is a new process, and the limits of the authority of the Commission needs to be ironed out.

Mr. McChesney asked if the Planner sees anything in their charter as the Village District review board that they are forbidden to do as part of the AAC.

The Chairman answered that color and size of signs is an example. The Planner said that village district regulations are much broader for aesthetic review.

Mr. McChesney said he feels it is important to recognize that there will be decisions that these people will be making as part of the VDC that they will not be able to make as part of the AAC.

The Planner said that was right, but added that these will not be decisions, but rather comments. It is only in the village district and only for the reasons substantiated by the regulations that the Commission can turn VDC comments into requirements for something different than they would normally review under the AAC.

Mr. Mose said that there will be a line of continuity and experience with the AAC serving this function that would not be possible if there were two separate boards. Their experience can help to bring the village district and the rest of the Town together.

The Chairman wanted to get a definitive answer as to whether or not the same group of people can be appointed to serve on two different review boards by two different governing bodies. There were varying opinions concerning to this.

Mr. Mose asked if the AAC members would have any different legal exposure when wearing the village district hat. The decisions are still being made by the Planning and Zoning Commission, the Planner said. The VDC comments are advisory.

Mr. Kinnear asked if the VDC would have some authority over the materials used in the projects. The Planner said that she would refer the question to the Commission's attorney, but it appears to be permitted in State statutes.

Mr. Katz found wording in the review board's guidelines which seems to allow them the ability to specify materials.

Mr. Esser felt that design guidelines will go a long way towards improving the process.

Mr. Kinnear suggested that the AAC and the PZC meet quarterly.

First Selectman Rudy Marconi mentioned that on June 14th, the League of Women Voters would be having a presentation by Glenn Chalder and a member of the Regional Planning Association about Ridgefield's downtown community. He extended an invitation to all present.

Note: The order of Pending and New items from this point on was re-arranged to accommodate applicants and participants in the audience. Item #5 was handled next, and then item #3 and item #8 (under New Items). The Commission then returned to the agenda in order, beginning with item #2. The minutes have been prepared maintaining the order of the original agenda.

2. **#2007-004-SP:** Application for Special Permit under Sec. 312.0 as required by Sec. 411.0B of the Ridgefield Zoning Regulations, (1) to demolish an existing office/residential structure and replace with new 7,756 s.f. commercial structure at **35/37 Danbury Road**, and (2) construct new 10,026 s.f. commercial structure on adjoining property at **16 Roberts Lane**, on properties located in the B-1 zone. Owner: Eppoliti Realty Corporation. Auth. Agent: Douglas MacMillan, Architect. *Received 2/6/2007, walked 2/11/2007, public hearing commenced 3/6/2007, continued and closed 3/20/2007. Draft Resolution of Approval requested 3/20/2007. Tabled 4/4/2007, 4/10/2007, 4/17/2007 and 5/1/2007. 65-day action period ends 5/24/2007. For action.*

Chairman Mucchetti noted that the easement issues with the property owner adjoining the applicant's site have not been resolved, and the item was tabled.

3. **#2007-020-SP:** Special Permit application pursuant to Sec. 312.0 as required by Sec. 411.0 of the Ridgefield Zoning Regulations for the demolition of existing retail building and construction of two new buildings (Walgreen's), including reconfiguration of the existing vehicular areas on property located at **42-50 Danbury Road** in the B-1 zone. Owner: Sherwood Island, LLC. Appl.: READCO, LLC. Auth. Agent: Donnelly,

McNamara and Gustafson, P.C. *Received 3/6/2007. Walked 3/18/2007. Public hearing commenced 4/4/2007 and continued to 4/17/2007. Public hearing closed 4/17/2007 and Draft Resolution of Approval requested. Tabled 5/1/2007. 65-day action period ends 6/21/2007. For action.*

Planner Brosius explained that the final resolution was still in preparation, but that a legal matter concerning needed modifications to the easement between Chase Bank and the Walgreen's site had not been completely resolved. She has been discussing these issues with the bank's property owner and the applicant's attorney. The Planner recommends that no final action be taken on the application until there is assurance that the modifications can be worked out, probably in a week or two weeks. The item was tabled pending completion of the resolution and assurance regarding a resolution to the easement issue.

4. **#2007-038-SPA**: Site plan review of landscaping as per Sec. 407.0G of the Zoning Regulations, in conjunction with 21 multi-family unit development in the R-5 zone. Property located on **63-67 Prospect Street**. Owners/Appls.: The Giardini Limited Partnership and Pierandri Realty LLC. Landscape plan distributed for review 4/17/2007. Tabled 5/1/2007. For action.

Planner Brosius noted that she had talked to project designer, John Kinnear, and a new landscaping plan was in progress. The item will appear on the agenda again when the new landscaping plan is received.

5. **#2007-040-REV (SP)**: Revision to Special Permit under Sec. 312.0 as required by Section 402.0 and 333.0 (new Sec. **9.2.7.e.ii**) of the Ridgefield Zoning Regulations to reconstruct existing cooling tower enclosure. Property located at **111 Prospect Ridge**, Winter Garden Ice Arena, LLC in the RAA zone. Owner: Webdale Realty LLC. Appl.: Ralph Webdale. **Pursuant to Sec. 8-7d.(c) of the Connecticut General Statutes, this application is considered received 05/01/2007. 65-day action period ends 7/5/2007. Received 5/1/2007, walked 4/29/2007. For discussion/action.**

Chairman Mucchetti acknowledged Joe Zandri, representing the applicant.

Mr. Zandri said that the cooling tower will be in the same spot but will extend one foot beyond the highest point of the roofline (of the shed). He explained that the mechanic requires access to the mechanicals inside the chiller room, so he wants to put a door in on both walls.

After some confusion about the overall height and questioning by the Commission, it was determined that the bottom of the unit is one foot higher than the roofline, and the remainder of the unit extends up another 8', resulting in the bottom of the unit being 16' from the ground.

The Planner asked if the applicant intended to build a room under the chiller.

Mr. Zandri said that he didn't know, he was only contracted to do the chiller.

The Planner said that on the site walk, the Commission noticed the room, which the owner had said he wanted to expand once the chiller was out. Mr. Zandri said that this is what Mr. Webdale had said, but he did not have any definitive information on it.

Mr. Katz said the Commission wondered why he couldn't move the chiller over and use that space where he was going to put the new room in, and then put the new room where the chiller material was, so that he would be moving laterally, but not vertically.

Mr. Zandri said he thinks the owner needs all the room for his new equipment, so if the chiller were to come out, it would have to come out beyond the screen wall that's there now. He thinks that the owner feels the most cost effective way for him to move the chiller is straight up.

The Planner asked if there is any reason why it couldn't go over to the side at the same height.

Mr. Zandri asked if the Commission was concerned with what it is going to look like at that height.

The Chairman said they were concerned about that, but also about the noise level.

Mr. Zandri said there is very little noise associated with the chiller. It uses a small electric motor, he said. He added that the applicant could probably put a screen wall around it so it wouldn't be visible, but it is gray and the roof is gray, so he felt it should blend right in.

Mr. McChesney confirmed that the chiller is essentially a rectangular box.

Ms. Willis asked about a leaking brine tank.

Mr. Zandri said that the applicant is replacing all of his equipment. He also mentioned that he thinks the Mr. Webdale is trying to get a little more efficiency out of the chiller by raising it into the air as opposed to having it down in a hole.

Dr. Autuori asked if the new chiller would be the same type as the one being replaced. Mr. Zandri said it would. Dr. Autuori wanted assurances as to the noise level. Mr. Zandri said, "It's just an electric motor that runs it. It basically circulates water."

Mr. Katz said he was concerned about the defoliated visual. Mr. Walsh said that it was above the shed roofline, not the A-frame roofline of the rink. Mr. Zandri again offered to put a screen up.

Ms. Willis would prefer the chiller move to the side at ground level. Mr. Zandri said that would not work. He explained that the motors running the equipment weigh about 1000

lbs. each. When a motor breaks, it has to be dragged under the chiller and then into the room. There is no access into that room at ground level – it's 4' high. "The applicant is looking to get that up out of the way so that he has more access," he said.

Ms. Willis asked if he was putting a whole new room where the chiller is now.

Mr. Zandri said that he is not putting another room in. The room is already there. The screen wall is up. It is a foundation wall that has been there for years. He is just going to put a roof on that. He is not adding on, per se. He is just adding a roof, so that he can get the chiller up out of the way so that he has access to his equipment.

The Commissioners clearly understood the problem now.

Mr. McChesney motioned, seconded by Mr. Walsh, to approve the application with a requirement that the Commission will re-inspect the property in about a year (before foliage appears on the trees) and re-examine the need, if any, for visual screening of the chiller. The motion, with the condition, passed by a vote of 9-0.

6. **#2007-042-REZ-A** (1) Petition to amend the text of the zoning regulations of the Town of Ridgefield to revise certain sections of the Housing Opportunity District (HOD) regulations, to permit residential development under Sec. 8-30g of the Connecticut General Statutes, and related amendment to the Comprehensive Town Plan and (2) petition to change the zoning map of the Town of Ridgefield from CDD to HOD and related amendment to the Comprehensive Town Plan, for 153± acres of land located at **616 Bennett's Farm Road**. Owner: Eureka V, LLC. Appl./Auth Agent: J. Casey Healy, Esq. (Note: Petitions submitted pursuant to zoning regulations in effect through 4/30/2007.) *65 days to commence public hearing ends 7/5/2007. Received 5/1/2007. Tentative public hearing date 7/10/2007. Confirm public hearing date and schedule walk if necessary.*

Chairman Mucchetti noted that the requested extension had not yet been received, and the item was tabled, to be discussed on 5/15/07.

7. **#2007-043-REV (SP)**: Revision to Special Permit required by Sec. 312.02.E (new Section **9.2.7.e.ii**) of the Zoning Regulations for the Town of Ridgefield to permit a fence on the property located at **27 Catoonah Street** in the CBD zone. Owner: 27 Catoonah Street Associates LLC. Auth. Agent: Donnelly, McNamara and Gustafson, P.C. *65-day action period ends 7/5/2007. Received and tabled 5/1/2007. Letter of withdrawal received 5/8/2007. Acknowledge withdrawal.*

Chairman Mucchetti asked the Commission to note that the application for the fence has been withdrawn by the applicant.

Dr. Autuori motioned, seconded by Mr. Slavin, to acknowledge the withdrawal, and the motion passed, 9-0.

The Planner pointed out that landscaping had been proposed instead of the fence, and that arborvitae might be used on the rear property line. The Commission stated no preference for any particular landscaping and had no objection to the landscaping proposal.

NEW ITEMS

8. **Discussion:** Proposed Airspace Redesign (flight patterns) by the FAA, c/o Dr. Autuori.

Dr. Autuori presented information about the proposed new air traffic routes from LaGuardia Airport and Westchester Airport, and how those routes might affect the Town of Ridgefield. He introduced Michael Kroposki, a Ridgefield resident who is very familiar with the FAA's proposal and the Draft Environmental Impact Statement prepared by the FAA to provide information to the public on the impact of the new air traffic routes.

Dr. Autuori, referring to maps which were distributed, said that the FAA has decided to shift two flight patterns; one higher, denser pattern from LaGuardia airport, which would cover part of Ridgefield from slightly west of Main Street to slightly east of Rt. 7, and a second pattern from Westchester Airport, which is less dense but at least 1000' lower in altitude, which will shift to the western half of Ridgefield to the New York State line. Dr. Autuori said that, basically, the entire town of Ridgefield will be literally blanketed with a huge infusion of large jet aircraft.

The Chairman asked him how he had arrived at this conclusion. He referred her question to Mr. Michael Kroposki.

Mr. Kroposki interpreted the maps for the Commission.

Mr. Katz confirmed that this aircraft would now be FAA controlled, not at the pilot's discretion.

Dr. Gelfman asked what altitude the aircraft will be at over Ridgefield. Mr. Kroposki said it varies a lot depending on the weather.

There was some discussion about the height and noise level associated with the proposed change.

Mr. Marconi said that the concern is also about what this will do to general aviation in the area, because "if that ceiling comes down, everything else comes down." Mr. Kroposki said that general aviation in the area must stay below those patterns. Chairman Mucchetti asked if that means that the Danbury aircraft will be pushed even lower. He said that was correct.

Mr. Katz commented that parts of Ridgefield are at such high elevations that these aircraft could conceivably be flying directly overhead.

Dr. Autuori mentioned that he was upset that the FAA did not give the upgraded Stewart airport a chance to relieve the air traffic in the area. He felt it was important for the Planning & Zoning Commission to issue a statement and send it to the FAA, Governor Rell, state and federal legislators, and also Linda Cooke of Weir Farm, who reports that the National Park Service has had some success nudging the FAA away from national parks because of the adverse impact of air traffic on them.

Dr. Autuori would like something in writing to go out as soon as possible, with copies to Weir Farm so that the Commission's comments can be incorporated with their comments to the regional National Park office, which will prepare its objections and forward them to the FAA. The deadline for input is May 11, 2007

The Chairman asked if the decision has already been made and the FAA is just figuring out how to implement it.

Mr. Kroposki said that the plan has been proposed and the FAA is soliciting comments. He reported that other towns, New Canaan and Greenwich, specifically, have been very vocal in their opposition to this plan.

Mr. Chipp Reid of the Ridgefield Press reported that there is a third airport which will have a major impact on Ridgefield, and that is Teterboro Airport in New Jersey. He said that, based on the amount of flights and how the FAA wants to route them, Teterboro air traffic will have a much more significant affect on our area than Westchester flights.

Mr. McChesney felt that Dr. Autuori's letter is well written and should be forwarded, as is, as the official comment from Planning and Zoning.

The Planner confirmed all the intended recipients of the letter.

Mr. Katz added that the Metropolitan Transit Association of New York is about to take ownership of 99 year rights to Stewart International Airport in Newburgh, New York, and that will become the fourth major airport in the New York area.

Mr. Kroposki said that the FAA has not given any consideration to Stewart in the formation of this plan, and "they probably should have. The Stewart thing has only actually come to fruition in the last two weeks. For forty years, New York State has been trying to get that done, but New Jersey had done nothing on it until about two weeks ago," he said.

The Chairman asked the First Selectman if the Town was going to be sending anything beyond what the Planning and Zoning Commission would send. Mr. Marconi said he had spent three hours talking about this at a joint meeting in October and never saw any results from it. He said he feels the most effective approach will be through Weir Farm, with its National Park status.

After discussion of the issues, the Commission agreed by consensus to send a letter to the FAA, including comments suggested in a draft letter prepared by Dr. Autuori. The letter will be copied and sent to Connecticut's federal and state legislators, to the Superintendent of Weir Farm, and to the Governor.

9. **#2007-048-SP**: Special Permit Application under Section 9.2 as required by Section 3.6.C.2 -Dimensional Exceptions, for the construction of a single family residence exceeding lot coverage for property located at **28 Griffith Lane** in the R-20 zone. Owner/App.: J. Putnam Construction Company, LLC. 65-days to commence public hearing ends 7/12/2007. For receipt, schedule walk and public hearing.

Dr. Autuori motioned, seconded by Mr. Fossi, to receive the application and to schedule a site walk for 5/20/07 and a public hearing for 6/5/07, as suggested by the Chairman. The motion passed, 9-0.

10. **Chairman Mucchetti** asked to add two items to the agenda: (1) to report on the Town Meeting for the budget, and (2) to schedule an Executive Session to discuss litigation matters. The Commission unanimously consented to add these items to the agenda.

- (1) **Chairman Mucchetti** reported that the \$25,000 second-half installment of funding for the Ridgefield Center Study had been approved by vote at the Town Meeting on 5/7/07, under the capital budget proposal.

- (2) **Chairman Mucchetti** said she had spoken to land use counsel Thomas Beecher, who requested the opportunity to talk to the Commission re litigation matters concerning Eureka V, LLC. The Chairman suggested a 7 p.m. Executive Session for Tuesday, May 15, 2007, to be held prior to the beginning of the regular Inland Wetlands Board agenda which starts at 7:30. The Commission agreed by unanimous consent.

COMMISSION WALKS

The following site walks have been scheduled by the Commission for **May 20, 2007**:

- **#2007-045-SP-SR: 140 Wilton Road West**, Price
- **#2007-048-SP**: Special Permit **28 Griffith Lane**, J. Putnam Construction Company, LLC

REQUESTS FOR BOND RELEASES/REDUCTION

There were no requests for bond release or reduction.

CORRESPONDENCE

Chairman Mucchetti pointed out the following correspondence:

- Memo from the Planner re a proposed **Citation Ordinance**, c/o Richard Baldelli, Zoning Enforcement Officer. Richard has asked permission to explain the proposed ordinance at the Commission's meeting scheduled for 5/15/07.
- Copy of the Planner's letter of referral of the **Eureka V, LLC affordable housing application** to the Board of Selectmen as required under Sec. 8-23 of the CGS, re the request to amend the Plan of Conservation and Development.

The Commissioner's packets also included two sets of pre-application minutes for the following future projects:

- Proposed two-lot resubdivision of a 4+ acre lot on **Oak Knoll**, part of a previously approved PRD subdivision.
- Proposal for an **HSBC Bank** facility at **108 Danbury Road**, adjacent and south of the existing Shell gas station.

MINUTES

Mr. Katz motioned, seconded by Dr. Autuori, to approve the minutes of 4/24/07. The motion passed, 9-0.

Hearing no further discussion, the Chairman adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Linda Caponetti
Recording Secretary